

SUPPLEMENTAL AMENDMENT AND RESPONSE TO OFFICE ACTION
U.S. Serial No. 09/705,971
Filed: November 3, 2000

REMARKS

This Amendment and Response amends claims 1, 8, 18, 20, 22, 31, 38, 47, 49, and 59 and adds new claim 60. Claims 1-60 are pending in the application. Enclosed is form PTO-2038 giving authorization to charge Kilpatrick Stockton LLP's American Express Account in the amount of \$250 to cover these amendments and additions. No further fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

I. Interview Summary

Applicants would like to thank Examiners Parsley and Swiatek (hereinafter "Examiners") for the courtesies extended during a personal interview conducted on May 10, 2005 to discuss the application, Applicants' *Amendment and Response* to the November 4, 2004 Office Action (originally submitted on March 2, 2005 and entered by virtue of an RCE filed on May 4, 2005), and U.S. Patent No. 5,569,067 to Meyn ("Meyn '067").

The discussion during the interview focused primarily on distinguishing Applicants' invention from the device disclosed in Meyn '067. In particular, it was agreed that Meyn '067 does not teach or suggest:

(1) a device having supply means adapted to control which slaughtered animals or parts thereof are and are not supplied from a first conveyor to a transfer conveyor, as recited in claim 1. Rather, in Meyn '067 all of the products in the first conveyor (allegedly supply screws 1, 2, and slot 3) are transferred to the transfer conveyor (allegedly slot 5).

(2) a device having discharge-control means for discharging animals or parts thereof from a slot at a controllable rate that is independent from the rate at which the animals or parts thereof are moved along the slot, as recited in claim 31. Rather, the animals or parts thereof are moved along slot 5, processed, and discharged at the same rate in Meyn '067.

(3) a discharge means that can adopt a first position to convey a slaughtered animal (claim 59) or a slaughtered animal part (new claim 60) along the slot toward a second station and that can adopt a second position to remove the slaughtered animal (claim 59) or the slaughtered animal part (new claim 60) from the slot. Meyn '067 does not have the recited discharge means

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capable of moving between a first position and a second position to move the entrails packages along the slot toward a second station or to remove the entrails packages from the slot, respectively.

Independent claims 1, 31, and 59 have been amended and claim 60 added to more clearly recite Applicants' invention while still including features that distinguish them from Meyn '067. It was agreed during the interview that claims 1, 31, 59, and 60 as pending after entry of this amendment would distinguish over the cited prior art and thus would be allowable.

II. 35 U.S.C. § 102 Rejections

The Action rejects claims 1-6, 9, 12-13, 15-16, 24-25, 31-36, 41-42, 45-46, 53-54 and 59 under 35 U.S.C. § 102(b) as being anticipated by Meyn '067. Applicants respectfully traverse this rejection and ask that it be withdrawn. As explained above, it is Applicants' understanding that amended claims 1, 31, and 59 are allowable over Meyn '067. Claims 2-6, 9, 12, 13, 15, 16, 24, and 25 depend from allowable claim 1 and therefore are allowable for at least this reason. Claims 32-36, 41-42, 45-46 and 53-54 depend from allowable claim 31 and are therefore allowable for at least this reason.

III. 35 U.S.C. § 103

A. Meyn '067 in view of Brakels et al.

The Action rejects claims 7-8, 18, 21-23, 37-38, 47 and 50-52 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Brakels et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 7-8, 18, and 21-23 are allowable at least because they all depend from allowable claim 1. Claims 37-38, 47 and 50-52 are allowable at least because they all depend from allowable claim 31.

B. Meyn '067 in view of Hobbel et al.

The Action rejects claims 10-13 and 39-42 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 10-13 are allowable at least by virtue of their dependence from allowable claim 1. Claims 39-42 are allowable at least because they depend from allowable claim 31.

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C. Meyn '067 in view of Hobbel et al. and further in view of Bos et al.

The Action rejects claims 14 and 43 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Hobbel et al. and further in view of Bos et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. At least because claim 14 depends from allowable claim 1, it too is allowable. Similarly, claim 43 is allowable at least by virtue of its dependence from allowable claim 31.

D. Meyn '067 in view of Bos et al.

The Action rejects claims 17 and 46 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Bos et al. Claim 17 is allowable at least by virtue of its dependence from allowable claim 1, and claim 46 is allowable at least because of its dependence on allowable claim 31.

E. Meyn '067 in view of Brakels et al. and further in view of Meyn '472

The Action rejects claims 19-20 and 48-49 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Brakels et al. and further in view of Meyn '472. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 19 and 20 are allowable at least by virtue of their dependence from allowable claim 1. Claims 48-49 are allowable at least because of their dependence from allowable claim 31.

F. Meyn '067 in view of Meyn '472

The Action rejects claims 26-29 and 55-58 under 35 U.S.C. § 103 as being unpatentable over Meyn '067 in view of Meyn '472. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claims 26-29 depend from allowable claim 1 and therefore are allowable for at least this reason. Claims 55-58 are allowable at least by virtue of their dependence from allowable claim 31.

G. Meyn '067 in view of Meyn '472 and further in view of Hobbel et al.

The Action rejects claim 30 under 35 U.S.C. §103 as being unpatentable over Meyn '067 in view of Meyn '472 and further in view of Hobbel et al. Applicants respectfully traverse this rejection and ask that it be withdrawn. Claim 30 is allowable at least by virtue of its dependence from claim 1.

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CONCLUSION

Applicants respectfully submit that claims 1-60 are in condition for immediate allowance, and request early notification to that effect.

Respectfully submitted,

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